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1 UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

2 - - - - -

3 Charles Everett Cook, Sylvia Mae Cook,  
and Timothy Blake Cook, natural persons,

4 Plaintiffs,

5 vs Court File 06-0022

6 City of Minneapolis, a municipal entity;  
Minneapolis Police Officer Mark Johnson, Badge  
7 #003459, in his individual, personal and official  
capacity, Sgt. D. Smulski, in his individual,  
8 personal and official capacity; Officer K. Blackwell,  
in his individual, personal and official capacity;  
9 Officer Geoffrey Toscano, Badge #007257, in his  
individual, personal and official capacity; Officer  
10 Bevsn Blauert, Badge #003459 in his individual,  
personal and official capacity; Officer Jon Petron,  
11 Badge #4671, in his individual, personal and official  
capacity; Officer Christopher House, Badge #3165, in

his

Robert

#4959, in

Officer

personal

in

Officer

personal and

in

Officer

personal

Richard

their

12 individual, personal and official capacity; Sgt.  
Kroll, Badge #003874, in his individual, personal and  
13 official capacity; Officer Christie Nelson, Badge  
her individual, personal and official capacity;  
14 William Willner, Badge #7783, in his individual,  
and official capacity; Officer Westlund, Badge #7674,  
15 his individual, personal and official capacity;  
Roger Smith, Badge #006689, in his individual,  
16 official capacity; Officer Jason King, Badge #003704,  
his individual, personal and official capacity;  
17 Timothy Hands, Badge #002660, in his individual,  
and official capacity; and Officer Jane Doe and  
18 Roe, unknown, unnamed officers of the Minneapolis, in  
personal, individual  
19 and official capacity;

20 Defendants.

- -

CHRISTIE  
Civil  
13th day  
Public,

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22  
23  
24  
25

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Whereupon, the following deposition was taken of  
NELSON, pursuant to Notice, according to the Rules of  
Procedure for the State of Minnesota, taken on the  
of February, 2007 before Lorie M. Jensen, Notary  
Washington County, Minnesota.

Jensen Reporting (651) 351-9500

2

Law, 301

and

Attorney's

behalf of

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11

APPEARANCES:

Albert T. Goins, Attorney at Law, Goins Petry

Fourth Avenue South, 378 Grain Exchange Building,  
Minneapolis, Minnesota 55415, appearing as Counsel for  
on behalf of the Plaintiffs;

Tracy Nelson, Assistant City Attorney, City

Office, 333 South 7th Street, Suite 300, Minneapolis,  
Minnesota 55402, appearing as Counsel for and on  
the Defendants.

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5

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18

19

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23

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4

and

1 Whereupon, the following proceedings were duly held

2 made a part of the record, as follows, to-wit:

3 CHRISTIE NELSON,

4 having been first duly sworn, was examined,

5 and testified, under oath, as follows:

6 EXAMINATION:

7 BY MR. GOINS:

8 Q. Officer Nelson, my name is Albert Goins, I  
represent  
9 the plaintiffs along with Ms. Maya Sullivan in  
this  
10 lawsuit. I see that you brought your police  
report  
11 with you today, I'll ask that you put it away.

12 A. Okay.

13 Q. We are not going to ask you to read from your  
report,  
14 we'll ask you to testify based upon your  
recollection,

15 okay?

16 A. Okay.

17 Q. If you need to refer to any documents, you can do  
18 that. Have you had your deposition ever taken  
before?

19 A. I don't think so.

20 Q. Have you ever testified in court before?

21 A. Yes.

22 Q. You understand that when you give a deposition  
you're  
23 swearing to tell the truth and giving sworn  
testimony

24 just like when you're in court, is that correct?

25 A. Yeah.

5

1 Q. Do you have any doubt about that?

2 A. No.

3 Q. With respect to this also, if you answer  
questions I

4 want you to answer out loud as opposed to shaking  
your

5 head or saying uh-huh or hu-huh. I would ask  
also

6 that if you don't understand a question say you  
don't

7 understand a question, okay?

8 A. Okay.

9 Q. You're here about an incident that occurred on  
January

10 14th, 2005, is that correct?

11 A. Yes.

12 Q. And you understand that you're a named defendant  
in

13 this lawsuit brought by Timothy Cook, Sylvia Cook  
and

14 Charles Everett Cook, is that correct?

15 A. Yes.

16 Q. Did you get served with that lawsuit at some  
point in

17 time?

18 A. Yes.

19 Q. What documents have you reviewed prior to coming  
here

20 today for your deposition?

21 A. Police report.

22 Q. Which police report was it, do you have a copy of

it?

23 A. Yes.

24 Q. Can I see the copy that you reviewed? Okay. Did  
you

25 review the reports of other officers?

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6

1 A. Not so much.

2 Q. What do you mean not so much?

3 A. I looked at mine but in order to find mine I saw  
some

4 others.

5 Q. How many police reports did you do with respect  
to

6 this incident that occurred on January 14th,  
2005?

7 A. I did my supplement.

8 Q. Let me just clarify. Why were you -- clarify we  
got

9 the date correct. Was the date of the incident

10 actually January 13th, 2005 but you did your  
report on

11 January 14th?

12 A. Yeah.

13 Q. Okay.

14 A. If the incident and time was the 13th on the  
front

15 page.

Street and  
were

16 Q. Why were you at a residence located at 38th  
17 Minnehaha Avenue, were you at that location or  
18 you at a different location?  
19 A. What was the address?  
20 Q. You tell me, do you remember the address?  
21 A. You said 38th and Minnehaha?  
22 Q. Uh-huh.  
23 A. I believe it was on 2nd Avenue.  
24 Q. You were actually at 3845 2nd Avenue South?  
25 A. Yes.

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7

just  
this

1 Q. What time did you get to that location?  
2 A. Around 10:30 p.m.  
3 MS. NELSON: Counsel, could you  
4 instruct the witness that I can't offer even the  
5 simplest questions I can't provide any advice at  
6 time?  
7 MR. GOINS: Sure.  
8 Mr. Goins (Continuing)  
9 Q. I understand you might want to look to your  
counsel to

10 get conformation, but she can't provide any  
11 information to you, you understand that?  
12 A. Okay.  
13 Q. If you need to refresh your recollection by  
looking at  
14 your report, I'll be happy to give you your  
report  
15 back, okay?  
16 A. All right.  
17 Q. Were you employed as a Minneapolis police officer  
on  
18 January 14th, 2005?  
19 A. Yes.  
20 Q. How long had you been a Minneapolis police  
officer at  
21 that point?  
22 A. I was hired in '97.  
23 Q. So you had been on the force for about eight  
years, is  
24 that correct?  
25 A. Yes.

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8

1 Q. Tell me a little bit about your educational  
2 background, please?  
3 A. I graduated from the University of Minnesota.  
4 Q. In what?

5 A. Bachelor of Science.

6 Q. What area though?

7 A. Kinesiology.

8 Q. What is your police officer training?

9 A. The academy, Minneapolis.

10 Q. Why did you become a police officer?

11 A. Why?

12 Q. That's correct, why?

13 A. Because I wanted to.

14 Q. What other jobs did you hold prior to becoming a  
15 police officer?

16 A. I worked in the health club industry.

17 Q. What did you do?

18 A. Worked for various health clubs in various  
capacities.

19 Q. Where did you work?

20 A. For awhile at Lifetime Fitness.

21 Q. Were you ever a security guard?

22 A. No.

23 Q. Were you a trainer?

24 A. Not at that club, no.

25 Q. Were you a trainer though at some club?

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1 A. At U.S. Fitness which is also Bally Fitness now.

2 Q. You were a trainer then?

3 A. Yes.

4 Q. How long did you play that role as a trainer?

5 A. Maybe a couple of years right after college.

6 Q. Are you a weight lifter?

7 A. Not so much.

8 Q. What was your area of expertise?

9 A. In the health club?

10 Q. Yes.

11 A. I worked as an administrative assistant and  
manager.

12 Q. When you were a trainer, what was your area of  
13 expertise in that?

14 A. I was an operations manager.

15 Q. But I thought you said you were a physical  
trainer?

16 A. I did that for awhile too.

17 Q. What was your area of expertise as a physical  
trainer?

18 A. Setting up work-outs for members with their goals  
so

19 they would come to you with their work-out goals,  
set

20 them up on a work-out and subsequently take them  
21 through the work-outs.

22 Q. Okay. How many high risk entries had you been on  
23 approximately prior to January 13th, 2005?

24 A. Less than five.

25 Q. What is the 1280 team?

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10

1 A. That is the high risk entry team.

2 Q. Were you a part of that team on January 13th,  
2005?

3 A. No.

4 Q. Where were you assigned?

5 A. I was assigned to the 3rd Precinct directed  
patrol  
6 unit.

7 Q. What is that?

8 A. Our hours were from 4 p.m. to 2 p.m., 2 a.m.

9 Q. Who told you that you would be executing a search  
10 warrant on January 13th, 2005?

11 A. My recollection would probably be Sergeant  
Smulski  
12 and/or Officer Blackwell.

13 Q. What relationship did you have to Sergeant  
Smulski and  
14 Officer Blackwell on that date, were they your  
15 supervisors?

16 A. Sergeant Smulski was.

17 Q. How long had he been your supervisor?

18 A. I had just arrived to the unit whatever the date  
was  
19 but it was recent coinciding with the 1st of the  
year.

20 Q. Had you had experience with Sergeant Smulski in  
the

21 past?

22 A. Yes.

23 Q. How about with Sergeant Kroll?

24 A. I knew who he was.

25 Q. So you knew who Robert Kroll was?

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11

1 A. Yes.

2 Q. What role did he play on January 13th, 2005?

3 A. He was assigned to Squad 1280.

4 Q. What is that, the high risk entry team?

5 A. The entry team, yes.

6 Q. Who gave the briefing on this search warrant?

7 A. I don't remember.

8 Q. Do you remember that a briefing was done?

9 A. Yes.

10 Q. Do you remember what assignment you were given?

11 A. The parameter.

12 Q. What were you told about the search warrant?

13 A. Involved robbery suspects.

time

14 Q. So you were looking for a robbery suspect at the

15 that you executed the warrant?

16 A. Yes.

17 Q. Was it a person warrant?  
18 A. Yes.  
19 Q. Do you know what a person warrant is?  
20 A. A warrant for a person.  
21 Q. It's a warrant to find and arrest a person, is  
that  
22 correct?  
23 A. Yes.  
24 Q. So were you ever showed the search warrant?  
25 A. No.

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12

1 Q. You never saw the search warrant?  
2 A. No.  
3 Q. Were you ever read the search warrant?  
4 A. No.  
5 Q. I'm sorry?  
6 A. No.  
7 Q. So would it be fair to say that nobody told you  
what  
8 you were looking for in the search warrant?  
9 A. Well, no.  
10 Q. Did you do a report that was Supplement Number 7  
in  
11 this incident, in fact it's the report you  
brought

12 with you here today?

13 A. If it's Supplement 7, yes.

brought 14 Q. Is the report that you did the one that you

15 with you here today?

16 A. Yes.

the 17 Q. Did you say in that report what the purpose of

18 search warrant was?

19 A. To look for a robbery suspect.

20 Q. Why don't you show me where you said that in your

21 Supplement Number 7, Officer?

22 A. Cartez, Cortez Lamar Cook.

23 Q. Can you give me a complete sentence?

24 A. Looking for documents that establish the

residency of 25 Cartez also known as Cortez Lamar Cook and then a

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13

1 birth date.

reads 2 Q. I'm sorry for interrupting. Actually, what it

would 3 is I was advised by Officer K. Blackwell that we

4 be looking for documents that established the

5 residence of Cartez, aka Cortez Lamar Cook, 10-05

6 1985, isn't that what it says?

7 A. Yes.

8 Q. Does it say anything about looking for the  
individual?

9 A. Can I look at it?

10 Q. Sure.

11 A. No.

12 Q. I'm sorry?

13 A. No.

14 Q. Then who told you that you would be looking for  
an  
Cook?  
individual by the name of Cortez or Cartez Lamar

15

16 A. I don't remember.

17 Q. What were you actually doing when you went on the  
18 search warrant?

19 A. Looking for documents that established the  
residency  
Lamar  
of Cortez also known as -- Cartez aka Cortez  
Cook.

20

21

22 Q. Were you told the kind of search warrant you were  
23 executing at the briefing?

24 A. What kind?

25 Q. Yes.

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1 A. Yes.

2 Q. What were you told?

3 A. High risk entry.

4 Q. What does that mean?

5 A. That there was a possibility of weapons inside.

6 Q. Who told you that?

7 A. Officer Blackwell.

8 Q. And you just looked at your report to recollect  
that,

9 is that correct?

10 A. Yes.

11 Q. Okay. But in fact, there was nothing in the  
search

12 warrant that indicated that you were actually  
looking

13 for the individual, you were simply looking for  
14 documents, correct?

15 A. If that's what the search warrant says.

16 Q. Let me clarify --

17 A. I didn't read the affidavit.

18 Q. We're not talking about the affidavit, you know  
19 there's a distinction between the affidavit and  
the

20 search warrant?

21 A. Yes.

22 Q. Let's just clarify. Who actually gave the  
briefing?

23 A. I don't remember if it was Sergeant Smulski,  
Officer

24 Blackwell or Sergeant Kroll, I don't remember.

25 Q. You think it was one of those three?

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15

1 A. It could have been.

2 Q. Or maybe a combination of those three?

3 A. It's possible.

4 Q. Did you get a description or picture of Cortez  
Cook?

5 A. I don't remember.

6 Q. Were you told that there would be other people in  
the  
7 house?

8 A. Was I told, I don't remember.

9 Q. Before you got to the house, as a part of the  
briefing

10 were you advised that you were suppose to knock  
and

11 announce before you entered the home?

12 A. I was assigned to the rear perimeter.

13 Q. Were you advised?

14 A. I don't know, I don't remember.

15 Q. When you do a search warrant, do you learn  
whether or

16 not the search warrant is going to be -- first of  
all,

17 let me establish this. Do you know what a  
no-knock

18 search warrant is?

19 A. Yes.

20 Q. What is that?

21 A. No knocking.

22 Q. What does that mean?

23 A. No announcing.

24 Q. What does that mean?

25 A. No announcing your presence and authority prior

to

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16

1 going through the threshold of the door.

2 Q. Which means you can do what?

3 A. Go.

4 Q. How do you go?

5 A. You enter.

6 Q. In any way necessary?

7 A. Sometimes. I am not sure.

8 Q. Did someone in this case that we're here about

today

9 carry what's called a battering ram?

10 A. Was somebody assigned to the ram, is that your  
11 question?

12 Q. That's my question.

13 A. I am sure there was somebody assigned to the ram.

14 Q. Why are you sure about that?

15 A. Because 1280 did the entry.

- 16 Q. Do you remember someone having a ram?
- 17 A. I don't remember who had the ram.
- 18 Q. Do you remember someone having something called a
- 19 hooligan?
- 20 A. I don't remember who had the hooligan.
- 21 Q. But you believe there was one there?
- 22 A. It's very possible there was a hooligan.
- 23 Q. Is that the same as what's called -- sometimes
- 24 a hooligan or hooligan tool?
- 25 A. I think so.

called

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17

- 1 Q. Were you told that -- you were assigned to the
- 2 perimeter, which portion of the perimeter were
- 3 going to deal with?
- 4 A. The rear perimeter.
- 5 Q. You just looked at your report to recall that, is
- 6 correct?
- 7 A. No, I knew I was on the rear perimeter.
- 8 Q. Were you told then, let me come back and I
- 9 if I asked you. Were you shown a picture of
- 10 Cook?

you

that

apologize

Cortez

11 A. I don't remember.

12 Q. So you didn't know who you were looking for?

13 A. I don't remember if I saw a picture or not.

14 MS. NELSON: I would object that  
that

15 misstates the prior testimony.

16 Mr. Goins (Continuing)

17 Q. Well, were you shown a picture of Cortez Cook?

18 A. Was I shown a picture of Cortez Cook, I don't  
19 remember.

20 Q. How about a picture of Cartez Cook?

21 A. I don't remember.

22 Q. Do you remember seeing a photograph?

23 A. No, I don't remember.

24 Q. Do you remember if anyone at the briefing had any  
25 photographs?

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18

1 A. I don't remember.

2 Q. Do you remember if you recall that there was an  
image  
3 of a person that you were looking for?

4 A. I don't remember.

5 Q. How about a description?

6 A. I don't remember.

7 Q. Do you remember the race of the person you were  
8 looking for?  
9 A. I believe he was an African American male.  
10 Q. Where did you get that information from that he  
was an  
11 African American male?  
12 A. Probably during the briefing.  
13 Q. From whom?  
14 A. I don't remember.  
15 Q. What was your role being on the perimeter?  
16 A. I was part of the rear perimeter so.  
17 Q. Let's refer to your report, we'll have it marked  
in a  
18 minute, you have it there in front of you,  
correct?  
19 A. Okay.  
20 Q. At about the third paragraph down you said as  
officers  
21 entered the foyer, I observed that AP/Timothy  
Cook was  
22 yelling at officers using foul language. What  
23 language was Mr. Cook using, Timothy Cook?  
24 A. Foul.  
25 Q. What language?

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1 A. English.

2 Q. What language was he using specifically, what  
words?

3 A. I don't know. It was very loud and swearing just  
4 profanities.

5 Q. What was he saying?

6 A. I don't remember specifically what the  
profanities  
7 were.

8 Q. Who was he directing those to?

9 A. I believed it was to all of us.

10 Q. Did you take offense at that?

11 A. I didn't think it was appropriate.

12 Q. What did you do about that?

13 A. He was probably told to be quiet.

14 Q. By you?

15 A. Probably at some point everybody told him to be  
quiet.

16 I probably did too.

17 Q. What position was Mr. Cook in when he was saying  
that  
18 physically, was he standing, sitting?

19 A. I don't remember.

20 Q. Was he lying down?

21 A. I do not remember.

22 Q. Do you remember if he was handcuffed?

23 A. I don't remember.

24 Q. How many other people were nearby when he was  
doing  
25 this?

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20

1 A. A few.

2 Q. How many is a few?

3 A. Can I look?

4 Q. If your report will help you, sure?

5 A. I think there were like five.

6 Q. And those were other than police officers or was  
that  
7 including officers?

8 A. No, five individuals who were not police  
officers.

9 Q. Now at some point your report indicates there  
were  
10 five people who were initially handcuffed when  
11 officers made immediate entry, why were those  
12 individuals handcuffed?

13 A. Why were they handcuffed?

14 Q. Correct.

15 A. Because it was during the course of a high risk  
entry.

16 Q. Are you saying there's a Minneapolis Police  
Department  
17 policy or procedure that says that when you are  
on a  
18 no-knock warrant that you immediately handcuff  
the

19 people that are inside?

20 A. I don't know, I don't know what the procedure or

what

they

do a

- 21           that would be but I know that when we go in that
- 22           were handcuffed.
- 23    Q.    Have you had any training with respect to how to
- 24           high risk entry?
- 25    A.    Have I, no.

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21

high

down to

in a

- 1    Q.    So you don't know whether that's true or not that
- 2           they're suppose to be handcuffed as part of a
- 3           risk entry?
- 4    A.    I don't know if there's a policy or not.
- 5    Q.    You don't know if that policy was being followed
- 6           accurately?
- 7    A.    Okay.
- 8                               MS. NELSON:  I would object to
- 9           misstates prior testimony.
- 10                            THE WITNESS:  Can we break this
- 11           the simple questions because there is like three
- 12           row.
- 13    Mr. Goins   (Continuing)
- 14    Q.    If you don't understand the question that's fine.

Did

15           you not understand the question?

there

16    A.    They're all scrunched together.  I don't know if

17           is a policy and I don't know if the policy was

is a

18           followed.  So whether or not if I know that there

19           policy, do you know what I'm saying?

20    Q.    No.

21    A.    Okay.  I don't know if there's a policy.

22    Q.    Okay, okay.

23    A.    That's it.

if

24    Q.    So that wouldn't it be fair to say you don't know

25           the proper policy was followed, correct?

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22

1    A.    I don't know.

handcuffing

2    Q.    That's all I want to ask.  Now who did the

3           of these individuals, do you know?

4    A.    No.

5    Q.    And how were they handcuffed when you saw them?

6    A.    How were they handcuffed?

7    Q.    Right, front, back, cuffed together and chained?

8    A.    I don't remember.

9 Q. How were they handcuffed?

10 A. What do you mean in chains? Nobody was  
handcuffed to

11 each other.

12 Q. How were they handcuffed?

13 A. By themselves.

14 Q. Front or back?

15 A. I don't remember.

16 Q. Lying down?

17 A. I don't remember but it's possible.

18 Q. Was there anything covering these individuals if  
you

19 know?

20 A. I don't remember.

21 Q. You said in your report I then identified the  
five

22 people in the living room. Who were the five  
people

23 you identified?

24 A. I believe they were marked as others in the  
police

25 report.

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23

1 Q. Did you ask any of those people if they were  
Cortez

2 Cook?

3 A. I believe most of them were women.

4 Q. Okay. Adults or children?

5 A. There were children there but I think we got  
names

6 from the adults.

7 Q. Okay. What were their names?

8 A. I remember one was named Sylvia.

9 Q. Was she an older woman?

10 A. I don't remember.

11 Q. Did you notice whether or not she was sitting at  
the

12 time that she was cuffed?

13 A. I don't remember.

14 Q. Did you notice whether or not there were any  
infants

15 in the house?

16 A. There were small children in the house.

17 Q. Do you know who took care of the small children  
after

18 you made the entry?

19 A. They were -- the kids were brought down into the  
main

20 room, living room, family room with the women.

21 Q. Did you have your weapon drawn when you entered  
the

22 house?

23 A. I don't remember.

24 Q. So you don't know if you drew your weapon?

25 A. I don't remember. I don't recall.

24

1 Q. Do you remember pointing your weapon at anyone?

2 A. I don't remember.

3 Q. Do you remember seeing any other officers point  
their

4 weapons at any one?

5 A. I don't remember.

6 Q. Do you remember seeing any officers apply force  
to

7 anyone?

8 A. I am sorry?

9 Q. Do you remember seeing any officers apply force  
to

10 anyone?

11 A. I don't remember.

12 Q. Why is it that you don't remember?

13 A. I don't. I just know that once we were there I  
got

14 names of the people that were in the downstairs.  
I

15 found some mailings on a piano and then left.

16 Q. Were you told by other officers not to recall?

17 A. No.

18 (Whereupon, Nelson Deposition  
Exhibit

19 Number 1 was marked for identification by the  
Court

20 Reporter).

21 Mr. Goins (Continuing)

marked as 22 Q. Let me show you, Officer Nelson, what's been  
case? 23 your Exhibit 1. Is that your report in this  
case 24 A. Yes.  
25 Q. Okay. Did you prepare any other reports in this

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25

1 other than Exhibit 1?  
2 A. I don't believe so.  
3 Q. Okay. Do you know if anyone was arrested as a  
result 4 of this incident?  
5 A. Yes.  
6 Q. For what?  
7 A. Obstruction.  
8 Q. Who was that?  
9 A. An individual named Timothy.  
10 Q. What did you see him do to obstruct legal  
process? 11 A. I don't remember but I know that he was loud,  
that's 12 all I remember.  
13 Q. Have you ever arrested anyone for obstructing  
legal 14 process for being loud?  
15 A. Have I?

16 Q. Yes.

17 A. I don't think so.

18 (Whereupon, Nelson Deposition  
Exhibit

19 Number 2 was marked for identification by the  
Court

20 Reporter).

21 Mr. Goins (Continuing)

22 Q. Showing you what's been marked as Exhibit 2.  
Take a

23 look at that document and tell me if you've ever  
seen

24 that before?

25 A. Can I read it?

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1 Q. Sure, absolutely.

2 A. Okay. What was your question?

3 Q. Have you seen that before?

4 A. Before today, no.

5 Q. That's the search warrant for the residence at  
3845

6 2nd Avenue South, it doesn't give a city address  
but

7 it seems to indicate it's for the City of  
Minneapolis,

8 County of Hennepin, State of Minnesota, would  
that be

9 correct?

10 A. Yes.

11 Q. By the way, did you see an elderly man there  
looked to

12 be about 69 years old?

13 A. Yes.

14 Q. Did you see officers ask him to put his hands up?

15 A. Did I see officers ask him to put his hands up?

16 Q. Yes.

17 A. I don't remember.

18 Q. Did you see any officers tell him to shut up?

19 A. I don't remember.

20 Q. Did you hear any officers tell him to shut up?

21 A. I don't remember.

22 Q. Did you see any officers put their foot in that

23 elderly man's stomach?

24 A. No.

25 Q. Did you hear any officers use obscenities towards  
any

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1 individual?

2 A. One more time?

3 Q. Did you hear any officers use obscenities towards  
any

4 individual?

5 A. I don't remember. But I know that for the man  
that

6 was older, we did get -- he said he was cold, I

7 remember that and we got him like a blanket or a  
sofa

8 throw or something to put on his person because  
he

9 said he was cold.

10 Q. Do you know why he was cold?

11 A. It was really cold outside.

12 Q. Why was he outside?

13 A. He wasn't outside but it was really cold outside.

14 Q. Was the house unheated?

15 A. No, the house was heated. Like when it is cold

16 outside I get cold inside and he said he was cold  
so

17 we got him something so he wasn't cold.

18 Q. Is it true he was placed by the door?

19 A. It was near the door to the porch foyer area but  
there

20 were two doors.

21 Q. Did you see any officers throw any cooked food on  
the

22 floor?

23 A. No.

24 Q. See any officers take any food out of the

25 refrigerator?

28

the

1 A. No.

2 Q. Did you see any officers kick Mr. Timothy Cook,

3 individual who was arrested for obstructing?

4 A. No.

5 Q. You didn't see any force used against Mr. Timothy

6 Cook?

7 A. No.

8 Q. Sorry?

9 A. No.

10 Q. Are you okay, officer, are you feeling ill?

11 A. No, I'm fine.

12 Q. Did you see anyone use what's called a poke check

13 maneuver?

14 A. Did I see anybody poke check?

15 Q. Do you know what a poke check maneuver is first?

16 A. Not so much.

17 Q. You've never heard of that?

18 A. I've never seen it.

their

19 Q. So you've never seen an officer take their MP-5,

it in

20 automatic weapon or rifle and poke someone with

21 a search?

22 A. No.

23 Q. You didn't see that happen on this occasion?

24 A. I did not see anything.

25 Q. Okay.

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1 MR. GOINS: Thanks for coming in.

2 THE WITNESS: Thank you.

3 MR. GOINS We'll see if Smulski is

4 available.

5 MS. NELSON: We'll read and sign.

6

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Jensen Reporting (651) 351-9500

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2

VERIFICATION

3

certify

I, Christie Nelson, the undersigned, do hereby

4

true and

that the foregoing deposition of my testimony is a

5

correct reproduction of same, except for the following

6

said

changes if any, stating the page and line number of

7

change; also stating the reason.

8

Page

Line

Change

Reason

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21 \_\_\_\_\_  
22 Christie Nelson Date  
23 \_\_\_\_\_  
24 WITNESS MY HAND AND SEAL this \_\_\_\_\_ day of  
\_\_\_\_\_,  
25 2007

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1  
2  
3 STATE OF MINNESOTA )  
4 COUNTY OF WASHINGTON )  
5 I, Lorie M. Jensen, Notary Public, Washington  
County,  
6 Minnesota, took the foregoing deposition of CHRISTIE  
7 NELSON, that the witness was by me first duly sworn;

direction           8           That the testimony was transcribed under my  
                      9           and is a true record of the testimony of the witness;  
the               10           That the cost of the original has been charged to  
who               11           party who noticed the deposition, and that all parties  
                     12           ordered copies have been charged at the same rate for  
such               13           copies;  
or                 14           That I am not a relative or employee or attorney  
employee of       15           counsel of any of the parties, or a relative or  
                     16           such attorney or counsel;  
action and        17           That I am not financially interested in the  
person            18           have no contract with the parties, attorneys, or  
                     19           with an interest in the action that affects or has a  
                     20           substantial tendency to affect my impartiality.

21               Dated this 19th day of February, 2007.

22

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Public           23                               Lorie M. Jensen, Notary  
                  24                               Washington County, Minnesota  
                  25